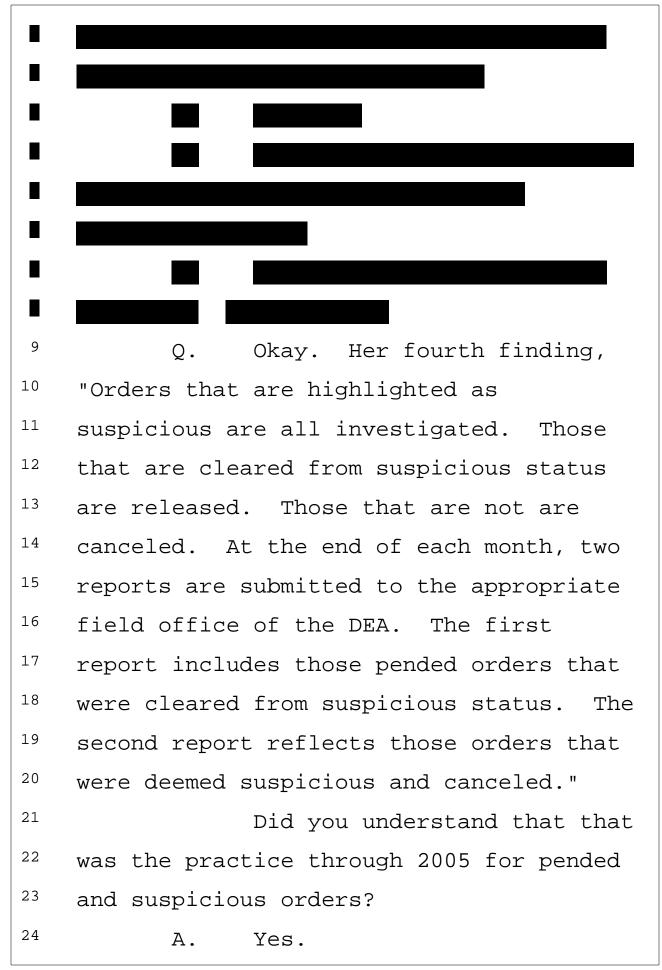
PSJ9 Exh 28

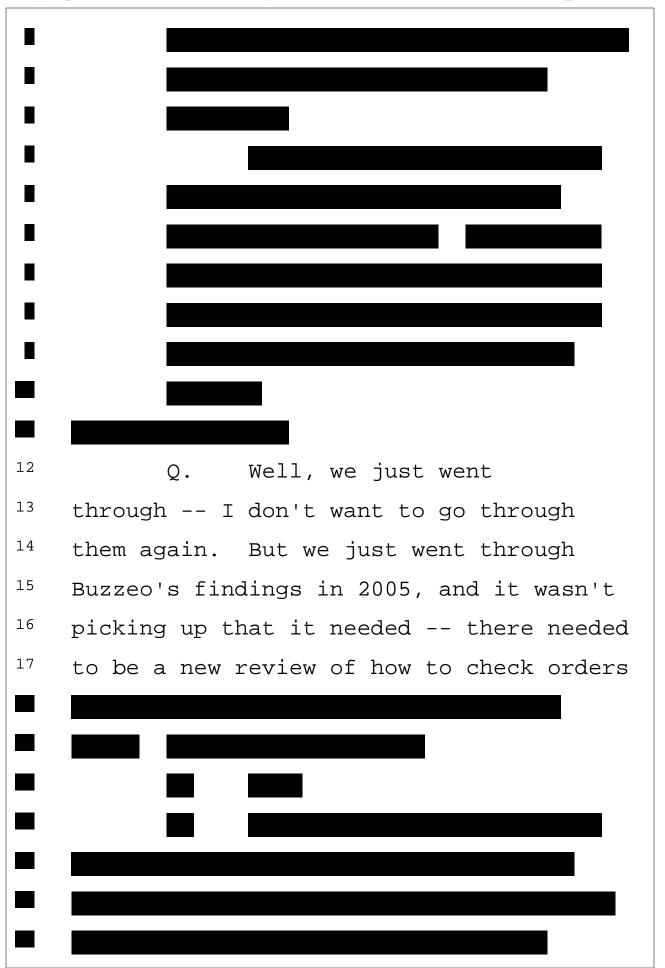
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1
       IN THE UNITED STATES DISTRICT COURT
2
        FOR THE NORTHERN DISTRICT OF OHIO
3
                EASTERN DIVISION
4
5
     IN RE: NATIONAL
                             : HON. DAN A.
6
     PRESCRIPTION OPIATE
                             :
                               POLSTER
     LITIGATION
7
     APPLIES TO ALL CASES
                             : NO.
8
                             : 1:17-MD-2804
9
            - HIGHLY CONFIDENTIAL -
10
    SUBJECT TO FURTHER CONFIDENTIALITY REVIEW
11
12
                February 19, 2019
13
14
15
                 Videotaped deposition of
    MICHAEL DiBELLO, taken pursuant to
16
    notice, was held at the offices of Locke
    Lord, LLP, 200 Vesey Street, New York,
17
    New York, beginning at 10:29 a.m., on the
    above date, before Michelle L. Gray, a
18
    Registered Professional Reporter,
    Certified Shorthand Reporter, Certified
19
    Realtime Reporter, and Notary Public.
20
21
           GOLKOW LITIGATION SERVICES
22
        877.370.3377 ph | 917.591.5672 fax
                 deps@golkow.com
23
2.4
```

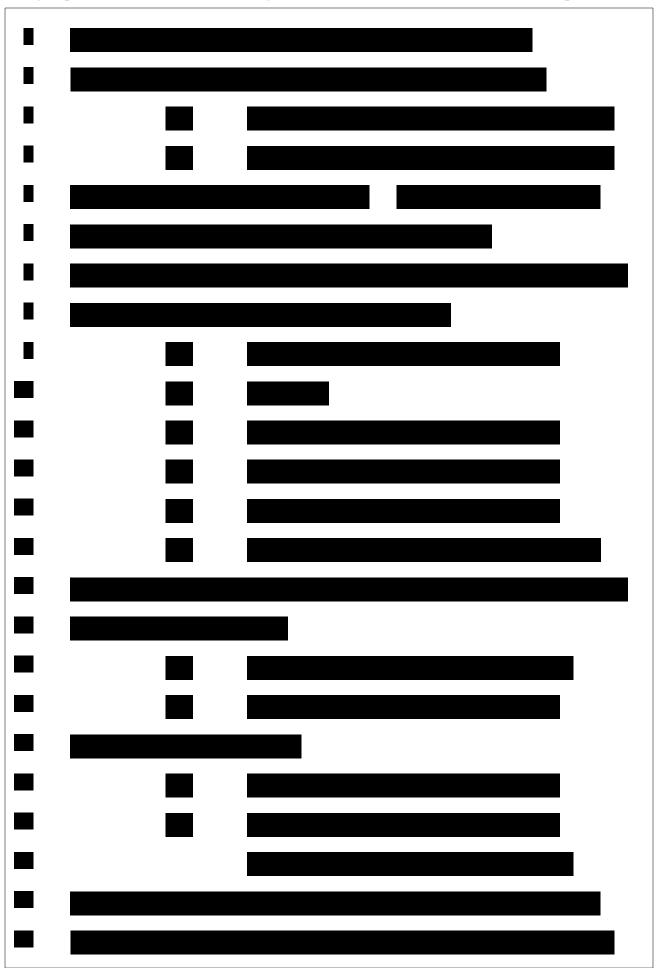


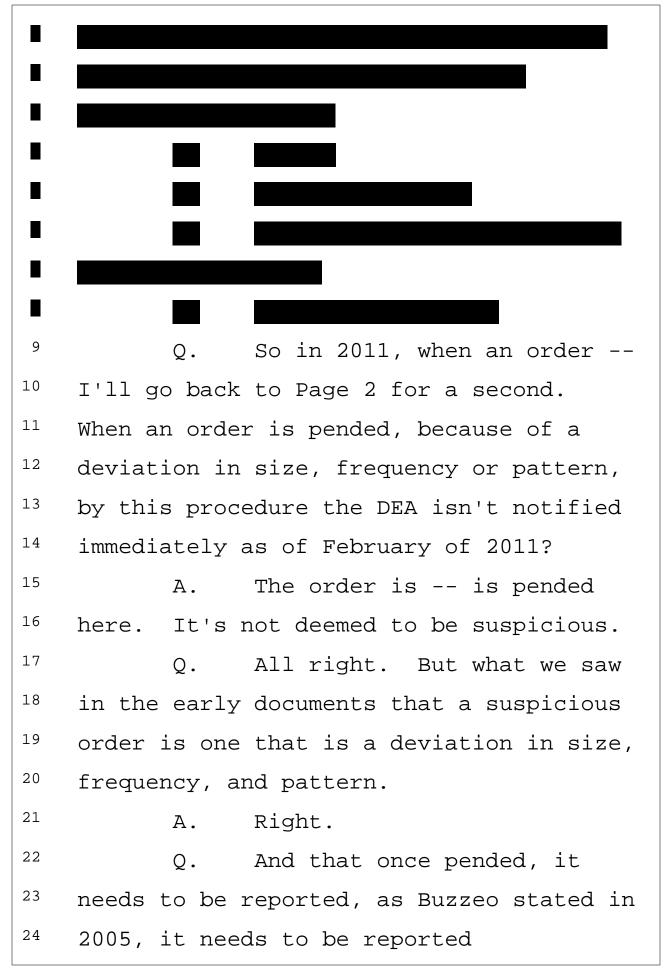
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Q. Did you understand though in
```

- that practice, that she recommended that
- ³ suspicious orders be reported immediately
- ⁴ and not at the end of the month. By
- ⁵ reporting them on a monthly basis at the
- 6 end of the month was inconsistent with
- 7 the Controlled Substances Act
- 8 requirements.
- 9 MR. McDONALD: Object to the
- form.
- THE WITNESS: In 2005, I
- don't recall if that was
- inconsistent with the act.
- 14 BY MR. MIGLIORI:
- O. She finds -- she documents
- here the requirement, "The registrant
- shall inform the field division office of
- the administration in this area of
- suspicious orders when discovered by the
- ²⁰ registrant."
- Her recommendation she
- writes, "While HSI has been using the
- current reporting process for several
- years, it is recommended consideration to

be given to filing the suspicious order 1 for those orders not released from suspicious status to the DEA immediately." 5 Do you understand that that 6 was the recommendation then, that reporting them at month's end was not consistent with the requirements of the Controlled Substances Act? 10 That was her recommendation. Α.







```
immediately, correct?
2
                 MR. McDONALD: Object to the
3
           form. Mischaracterizes the
4
           document.
5
    BY MR. MIGLIORI:
6
           Q. Not -- not at the end of the
7
    month, correct?
8
                 MR. McDONALD: Object to the
9
           form. Mischaracterizes the
10
           document and the testimony. That
11
           is not what the document said.
12
                 THE WITNESS: The order is
13
           pended here. That doesn't mean
14
           it's suspicious. There's a whole
15
           review process here, we just went
16
           through.
17
    BY MR. MIGLIORI:
18
           Q. I'm going to -- let me give
19
    you a hypothetical so we're not
20
    confusing.
21
                 If an order is a deviation
22
    in size, it is a pended order in Henry
23
    Schein's system, correct?
24
                 If it's a deviation in size.
```

- Q. Yes?
- ² A. Yes.
- Q. An order that is a deviation
- 4 in size, by definition under the CSA, is
- ⁵ suspicious, correct?
- 6 MR. McDONALD: Object to the
- ⁷ form.
- 8 THE WITNESS: Not
- 9 necessarily.
- 10 BY MR. MIGLIORI:
- 0. All right. Well, you
- 12 actually had a document where you said
- exactly that, that we just referred to
- ¹⁴ earlier.
- You're saying that a
- deviation in size is not a suspicious
- order?
- A. Potential, potentially.
- 19 Potential. It could be. That's the
- review process that we're doing here.
- O. So in Schein's system, in
- February of 2011, Schein is not reporting
- immediately a deviation in size of order
- from prior purchasing history to the DEA

1 upon discovery. Is that true? 2 We were reporting suspicious Α. 3 orders. 4 Our definition of a 5 suspicious order, after the review is 6 conducted and deemed to be suspicious, 7 that's when it was reported immediately. 8 So this flowchart is 9 accurate, that you would not have told 10 DEA about this until you got to this last 11 step here of it being --12 Deemed suspicious. Α.